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450108-4484.1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Katsuakira MORIWAKE et al.  
Serial No. : 09/849,653  
Filed : May 4, 2001  
For : **EDITING SYSTEM, EDITING METHOD, CLIP MANAGEMENT  
DEVICE, AND CLIP MANAGEMENT METHOD**  
Examiner : MUHEBBULLAH, Sajeda  
Art Unit : 2174

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Date of Deposit: June 22, 2005

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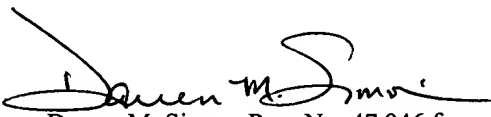
Transmitted herewith in triplicate is Appellants' Brief in support of their appeal in the  
above-identified application.

A check in amount of \$500.00 is attached in payment of the required fee (\$500.00) set forth in Section 1.17(f).

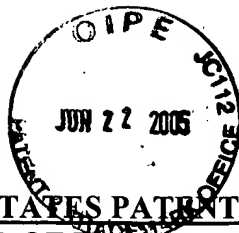
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Respectfully submitted,

FROMMER, LAWRENCE & HAUG LLP  
Attorneys for Appellant

  
By: Darren M. Simon, Reg. No. 47,946 for

William S. Frommer  
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(212) 588-0800



PATENT  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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Chiaki Kokka

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(Signature of person mailing paper or fee)

**APPEAL BRIEF OF APPELLANTS**

Mail Stop Appeal Brief – Patents  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection by the Examiner dated January 26, 2005, which issued in the above-identified application, finally rejecting claims 143–148.

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A Notice of Appeal was filed on April 22, 2005. This Brief is submitted in triplicate as required by 37 C.F.R. §1.192(a) and is accompanied by the requisite fee set forth in 37 C.F.R. §1.17(c).

### **REAL PARTY IN INTEREST**

The real party in interest is Sony Corporation, a Japanese corporation with offices at 7-35 Kitashinagawa 6-Chome, Shinagawa-Ku, Tokyo to which appellants have assigned all interest in, to and under this application, by virtue of an assignment recorded in the parent application (Serial no. 09/068,866) on October 23, 1998 at reel 9597, frame 0656 of the assignment records of the Patent and Trademark Office.

### **RELATED APPEALS AND INTERFERENCES**

Upon information and belief, the undersigned attorney does not believe that there is any appeal or interference that will directly affect, be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **STATUS OF CLAIMS**

The Application was filed with claims 90 and 122-132 on May 4, 2001 and assigned Application Serial No. 09/849,653. This application is a divisional based on Application Serial No. 09/068,866, filed October 23, 1998, which is a 371 of PCT/JP97/03343, filed September 19, 1997.

In a first Office Action dated April 22, 2004, the Examiner objected to claims 122 and 127 due to informalities and rejected claims 122 and 124-132 under 35 U.S.C. § 112,

second paragraph, as being indefinite. Claims 90, 122 and 127 were rejected under 35 U.S.C. § 102(b) as being anticipated by MacKay (U.S. Patent 5,148,154). Claims 123-126 and 128-132 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MacKay in view of Duffy et al. (U.S. Patent 5,339,393).

In response to this first Office Action, Appellants filed an Amendment on August 19, 2004 canceling all of the claims; presenting new claims 143-148; and arguing against the MacKay and Duffy references.

A different examiner then issued a Final Office Action dated January 26, 2005, rejecting claims 143, 145-146, and 148 under 35 U.S.C. §103(a) as being unpatentable over MacKay in view of Klingler et al. (U.S. Patent 5,404,316). Claims 144 and 147 were rejected under 35 U.S.C. §103(a) as being unpatentable over MacKay and Klingler in view of Duffy.

In response to this Final Office Action, a Notice of Appeal was filed by Appellants on April 22, 2005 appealing the final rejection of these claims. This Appeal Brief is being filed pursuant to this Notice of Appeal. Accordingly, the status of the claims may be summarized as follows:

Claims allowed: none

Claims objected to: none

Claims rejected: 143-148

The rejected claims 143-148 are set forth in the Appendix attached hereto.

Appellants are appealing the Final Rejection of claims 143-148, which constitute all of the currently pending claims in this application.

## **STATUS OF THE AMENDMENTS**

Appellants believe all the submitted Amendments have been entered.

## **SUMMARY OF THE INVENTION**

The present invention is directed to “an editing system for editing a plurality of clips.” (Claim 143) The present invention automatically tracks and graphically displays the various editing processes performed on video clips in producing resultant clips. The present invention will now be summarized by explaining the limitations of independent claim 143 in context with the supporting disclosure and figures:

*editing means for editing said plurality of clips to produce an edit resultant clip, comprising:*  
*an edit module for edit processing said plurality of clips;*  
*a composite module for composite processing said plurality of clips; and*  
*a special effect module for special effect processing said plurality of clips;*

The editing system (shown in Figure 1) is conceptually divided into processing modules for editing clips, including an edit module EM, a composite module CM, and a special effect module SM. (Figure 3; Specification page 20, lines 2-20) Essentially, edit processing involves clipping and joining video clips, composite processing involves superimposing (overlying) clips, and special effect processing involves applying special effects to a clip.

*wherein said editing means produces module identification information indicating the processing to be performed on said plurality of clips by said edit module, said composite module, and said special effect module in producing said edit resultant clip; and link information indicating a tree structure for linking said plurality of clips in producing said edit resultant clip;*

Figure 13 shows the clip management data generated when editing is performed.

(Specification page 74, lines 21-23) The recited “module identification information” corresponds to the module ID code (shown in Figure 13) which indicates the module used in processing that clip. (Specification page 78, lines 14-16) The clip management data for each clip also includes a parent link ID code and a child link ID code (collectively, the recited “link information”) for identifying the relationship between clips. (Specification page 76, line 5 to page 77, line 15)

*user interface means for displaying and controlling graphical user interfaces corresponding to processing performed by said edit module, said composite processing module, and said special effect module;*

Figure 10 shows an exemplary graphical user interface corresponding to the composite processing module. (Specification page 37, lines 8-13) There are similar windows corresponding to the edit module and the special effect module. (Specification page 38, lines 12-20)

*the graphical user interfaces including a clip tree window for graphically displaying said tree structure for said plurality of clips.*

The clip tree window 31, as shown in Figures 10-12, is an area for graphically displaying the hierarchical relation of clips registered in a clip database. In the clip tree window 31, the clip names are displayed like a tree, so the user can visually understand the relation between clips registered in the database. (Specification page 38, line 21 to page 40, line 14)

## **ISSUES**

1. Whether or not claims 143, 145-146, and 148 are unpatentable under 35 U.S.C. §103(a) as being obvious in view of MacKay et al. (U.S. Patent 5,148,154) and Klingler et al. (U.S. Patent 5,404,316).

2. Whether or not claims 144 and 147 are unpatentable under 35 U.S.C. §103(a) as being obvious in view of MacKay, Klingler, and Duffy et al. (U.S. Patent 5,339,393).

### **GROUPING OF CLAIMS**

For purposes of this appeal, claims 143-148 constitute one group and stand or fall together.

### **ARGUMENTS**

1. Claims 143, 145-146, and 148 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over MacKay et al. (U.S. Patent 5,148,154) in view of Klingler et al. (U.S. Patent 5,404,316)

Claims 143, 145-146, and 148 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MacKay et al. (U.S. Patent 5,148,154) in view of Klingler et al. (U.S. Patent 5,404,316). However, the present invention displays “graphical user interfaces including a clip tree window for graphically displaying a tree structure indicating links between said plurality of clips.” (Claims 143 and 146) The clip tree window 31 is shown in Figures 10-12 and described in the specification on pages 38-40. The clip tree window is an important distinguishing feature of the invention, as it allows the user to readily understand the linked relationship between the clips being edited. (Specification page 40, lines 11-14) MacKay does not discuss an analogous tree structure between clips. Rather,

the Examiner asserts that “Klingler teaches an editing system for editing clips that graphically represents the clips in a tree structure for linking the clips together (Klingler, col.2, lines 43-44; col.7, lines 64-68; col.8, lines 1-12).” (Office Action page 3)

Applicants agree that Klingler links the clips together in a hierarchical format as shown in Figure 2. Applicants further agree that Klingler graphically represents the clips as shown in Figure 16. However, Klingler does not disclose a window for graphically displaying the hierarchical structure of Figure 2. In fact, Klingler is quite specific in disclosing the windows which are displayed and does not discuss displaying “a tree structure.” (Column 2, Line 51 to Column 3, Line 49) While Applicants believe the hierarchy of Figure 2 is embedded behind the storyboard view shown in Figure 16, Klingler simply does not teach directly displaying the hierarchy in its own window. Hence, Klingler does not meet the limitation of “a clip tree window for graphically displaying a tree structure” as required in the present claims. Accordingly, for at least this reason, MacKay and Klingler fail to obviate the present invention and the rejected claims should be allowed.

2. Claims 144 and 147 were improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over MacKay in view of Klingler and Duffy et al. (U.S. Patent 5,339,393)

Claims 144 and 147 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MacKay in view of Klingler and Duffy et al. (U.S. Patent 5,339,393). Duffy is relied on solely to meet the “clip database in which information relating to each of said plurality of clips is registered” limitation found in the dependent claims. However, like MacKay and Klingler, Duffy fails to meet the “clip tree window for graphically

displaying a tree structure” limitations of the independent claim from which the rejected claims depend, as discussed above. Accordingly, the combination of MacKay and Klingler with Duffy fails to obviate the present invention and the rejected claims should be allowed.

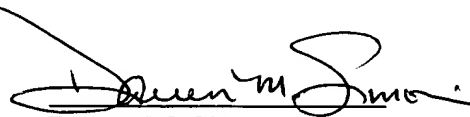
### **CONCLUSION**

For the reasons discussed in this brief, claims 143-148 are not obvious in view of the cited prior art. It is, therefore, respectfully submitted that the Examiner erred in rejecting claims 143-148 and a reversal by this Honorable Board is solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", is written over a horizontal line.

Darren M. Simon

Reg. No. 47,946

for William S. Frommer

Reg. No. 25,506

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**APPENDIX**  
**CLAIMS ON APPEAL**

Claims 1-142. (canceled)

Claim 143. (previously presented) An editing system for editing a plurality of clips, comprising:

editing means for editing said plurality of clips to produce an edit resultant

clip, comprising:

an edit module for edit processing said plurality of clips;

a composite module for composite processing said plurality of

clips; and

a special effect module for special effect processing said plurality of clips;

wherein said editing means produces module identification information indicating the processing to be performed on said plurality of clips by said edit module, said composite module, and said special effect module in producing said edit resultant clip; and link information indicating a tree structure for linking said plurality of clips in producing said edit resultant clip; and

user interface means for displaying and controlling graphical user interfaces corresponding to processing performed by said edit module, said composite processing module, and said special effect module; the graphical user interfaces including a clip tree window for graphically displaying said tree structure for said plurality of clips.

Claim 144. (previously presented) The editing system according to claim 143, wherein said module identification information and link information are stored in a clip database in which information relating to each of said plurality of clips is registered.

Claim 145. (previously presented) The editing system according to claim 143, wherein a current clip to be edited from said clip tree window is graphically designated in said clip tree window.

Claim 146. (previously presented) A method of editing a plurality of clips to produce an edit resultant clip, comprising the steps of:

displaying and controlling graphical user interfaces corresponding to processing to be performed on said plurality of clips, including edit processing, composite processing, and special effect processing; the graphical user interfaces including a clip tree window for graphically displaying a tree structure indicating links between said plurality of clips;

producing module identification information indicating edit processing, composite processing, and special effect processing to be performed on said plurality of clips to produce said edit resultant clip; and link information indicating said tree structure displayed in said clip tree window;

editing said plurality of clips to produce said edit resultant clip in accordance with said module identification information and said link information.

Claim 147. (previously presented) The method according to claim 146, wherein said module identification information and link information are stored in a clip database in which information relating to each of said plurality of clips is registered.

Claim 148. (previously presented) The method according to claim 146, wherein a current clip to be edited from said clip tree window is graphically designated in said clip tree window.